



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 29, 1994

Ms. Tracy R. Briggs  
Assistant City Attorney  
Legal Department  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR94-850

Dear Ms. Briggs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30023.

The City of Houston (the "city") received a request for "all copies of information that the [city] ha[s] on the Rehab Mission." You state that the city has released all of the requested information except one document. You claim this document contains legal advice and opinions from an assistant city attorney to the director of the City of Houston's Housing and Community Development Department and is therefore excepted from required public disclosure under section 552.107 of the Government Code.

Section 552.107(1) excepts from disclosure

information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Rules of the State Bar of Texas.

Although section 552.107(1) excepts information within rule 1.05 of the Texas State Bar Disciplinary Rules of Professional Conduct, the rule cannot be applied as broadly as written to information that is requested under the Open Records Act. Open Records Decision No. 574 (1990) at 5. To prevent governmental bodies from circumventing the Open Records Act by transferring information to their attorneys, section 552.107(1) is

limited to material within the attorney-client privilege for confidential communications; "unprivileged information" as defined by rule 1.05 is not excepted under section 552.107(1). Open Records Decision Nos. 574 at 5; 462 (1987) at 13-14 (explaining scope of attorney-client privilege). Furthermore, information that does not contain legal advice or opinion, or reveal client confidences is not protected by section 552.107(1). Open Records Decision No. 574 at 3, 5.

We have reviewed the document submitted for our consideration. We agree that portions of the document contain legal advice or opinion. For your convenience, we have marked the portion of the document that may be withheld under section 552.107(1) of the Government Code. The remaining information, which includes the heading, the closing, and one sentence containing no legal advice or client confidences, may not be withheld. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay Guajardo".

Kay H. Guajardo  
Assistant Attorney General  
Open Government Section

KHG/LBC/rho

Ref.: ID# 30023

Enclosures: Marked documents

cc: Isha P. Salas  
Rehab Mission, Inc.  
1701 Jacquelyn  
Houston, Texas 77055  
(w/o enclosures)